

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TIMOTHY M. BELONGIE,
Plaintiff,

v.

Case No. 22-C-385

TIMOTHY KLUENKER,
Defendant.

ORDER

Plaintiff Timothy M. Belongie, who was incarcerated at the Manitowoc County Jail when he filed this case and who is representing himself, filed a complaint under 42 U.S.C. § 1983 along with a petition for leave to proceed without prepaying the filing fee. As described below, the court will dismiss this case without prejudice for lack of diligence. See Civil L.R. 41(c) (E.D. Wis.).

On May 13, 2022, the court issued an order assessing an initial partial filing fee, but the order was returned as undeliverable because the plaintiff was no longer at the Manitowoc. Court staff located the plaintiff's new address at Dodge Correctional Institution, updated the plaintiff's address, and on June 15, 2022, mailed him a revised order assessing an initial partial filing fee. The revised order advised the plaintiff that he must notify the court if his mailing address changes in the future while this case is pending and warned him that if he again failed to notify the court of a change to his address, this case may be dismissed. ECF No. 11. On June 29, 2022, the court's revised order, which was mailed to the plaintiff at Dodge Correctional Institution, was returned as undeliverable because he was no longer there and had transferred to Green Bay Correctional Institution. ECF No. 12. The next day, court staff updated the plaintiff's address and resent

the revised order to the plaintiff at Green Bay Correctional Institution. The plaintiff subsequently paid the \$5.00 initial partial filing fee. On October 18, 2022, the court screened the complaint and allowed the plaintiff to proceed on a Fourteenth Amendment claim against defendant Timothy Klunker based on allegations that Klunker inappropriately touched him during a pat search. ECF No. 14. On November 7, 2022, the court's screening order was returned as undeliverable. The Wisconsin Department of Corrections website shows that the plaintiff was released on extended supervision, and he has not provided a forwarding address. See appsdoc.wi.gov (last visited Dec. 21, 2022).

The plaintiff was previously directed that he needed to update his address and that failure to do so might result in dismissal of his case without further notice. The plaintiff is no longer incarcerated, and he has not provided the court with an updated address. Thus, the court will dismiss this case without prejudice for lack of diligence. See Civil L. R. 41(c) (E.D. Wis.).

For the reasons stated, **IT IS ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE** for lack of diligence.

IT IS FURTHER ORDERED that the Clerk of Court enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 27th day of December, 2022.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge